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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,989	03/23/2004	Deepak P. Ahya	7463-41 (CE11847JSW)	2296
30448	7590	12/01/2005	EXAMINER	
AKERMAN SENTERFITT P.O. BOX 3188 WEST PALM BEACH, FL 33402-3188			HUYNH, NAM TRUNG	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/806,989	AHYA ET AL.	
	Examiner	Art Unit	
	Nam Huynh	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-6, 10-11, 13-14, 17-18, and 20-21 are rejected under 35

U.S.C. 102(b) as being anticipated by Najafi (US 2002/0198980).

A. Regarding claim 1, Najafi discloses a method for selecting a wireless network for data transmission that comprises the following:

- Determining available networks (figure 6, item 620).
- Determining which available networks has sufficient bandwidth to transfer data (figure 6, item 630).
- Performed a weighted score analysis of available networks having sufficient bandwidth (figure 6, item 640). The score analysis and weighted factors are shown in figure 4.
- Selecting and transmitting data to the selected network based on the weighted score analysis (figure 6, items 650, 660).

B. Regarding claims 3, 5-6, 13, and 20, Najafi discloses a network attribute block (figure 3, item 320) that holds attributes of all the wireless networks supported by wireless transceiver (figure 2, item 210) (page 2, paragraph 0025). Additionally a table includes relative attribute values for five example network attributes: cost/data segment

size, speed, reliability, security, and latency. This table may include fewer; different, or additional attribute values (page 2, paragraph 0027).

C. Regarding claims 4, 14, and 21, Najafi discloses an example in which an asset position reporting application for a wireless network should have attributes including security and low cost, while speed of the wireless network is not as important. In comparison, for an asset theft reporting application, a wireless network should have attributes including high speed, low latency, and high reliability, while cost is not an important attribute (page 1, paragraph 003). This example is comparable to applicants local engine in a weak signal environment and network engine in a strong signal environment. The asset reporting application could be seen as the local engine because speed and reliability is not as important. The asset theft reporting application could be seen as the network engine because high speed and high reliability is the focus.

D. Regarding claim 10, Najafi discloses that the present invention provides a system for selecting a wireless network for communicating data (page 1, paragraph 0005).

Voice recognition and text conversion are examples of communicating data.

E. Regarding claim 11, the limitations are rejected as applied to claim 1. Najafi further discloses a communications system that comprises a monitoring station that communicates with at least two different wireless networks (page 1, paragraph 0017). Since the network-based engine is compared to the network with the highest speed and reliability then one remote server of a wireless network would have this engine.

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F. Regarding claims 17-18, the limitations are rejected as applied to claim 11.

Najafi further discloses a remote processor for the transceiver (figure 2, item 230).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 7-9, 12, 15-16, 19, and 22-23, are rejected under 35 U.S.C. 103(a) as being unpatentable over Najafi (US 2002/0198980) in view of Kossi et al. (US 2005/0172016).

A. Regarding claims 2, 12, and 19, Najafi et al. discloses a method for selecting a wireless network for data transmission that comprises the following:

- Determining available networks (figure 6, item 620).
- Determining which available networks has sufficient bandwidth to transfer data (figure 6, item 630).
- Performed a weighted score analysis of available networks having sufficient bandwidth (figure 6, item 640). The score analysis and weighted factors are shown in figure 4.
- Selecting and transmitting data to the selected network based on the weighted score analysis (figure 6, items 650, 660).
- A communications system that comprises a monitoring station that communicates with at least two different wireless networks (page 1, paragraph

0017). Since the network-based engine is compared to the network with the highest speed and reliability then one remote server of a wireless network would have this engine.

- A remote processor for the transceiver (figure 2, item 230).

Najafi does not explicitly disclose that the step of determining available bandwidth at a given time period and the step of automatically selecting permits selection by a user. Kossi et al. discloses an apparatus, method, and system for decision making to support network selection that comprises a user interface module that allows for the display, execution, interaction, manipulation, and/or operation of program modules and/or system facilities (page 13, paragraph 0162). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to follow the teachings of Kossi et al. and implement a user interface in the invention of Najafi in order to provide a facility through which users may affect, interact, and/or operate a computer system.

B. Regarding claims 7-9, 15-16, and 22-23, Najafi discloses a network attribute block (figure 3, item 320) that holds attributes of all the wireless networks supported by wireless transceiver (figure 2, item 210) (page 2, paragraph 0025). Additionally a table includes relative attribute values for five example network attributes: cost/data segment size, speed, reliability, security, and latency. This table may include fewer; different, or additional attribute values (page 2, paragraph 0027). Because of the versatility of the network attribute table, it would be further obvious to one of ordinary skill in the art that the table could include attributes such as background noise, number of successful

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attempts, and desired application need because these attributes are supported by a wireless transceiver.

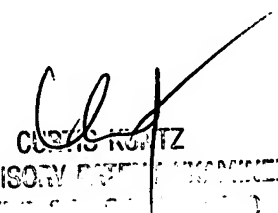
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NTH
11/14/05


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